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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,815	07/11/2002	Igor Anatolievich Abrosimov	740103-1010	6634
7590	05/11/2006			EXAMINER
Harold L Marquis Thomas Kayden Horstemeyer and Risley L L P Suite 1750 100 Galleria Parkway Atlanta, GA 30339-5948			NGUYEN, LINH M	
			ART UNIT	PAPER NUMBER
			2816	
			DATE MAILED: 05/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/090,815	ABROSIMOV, IGOR ANATOLIEVICH	
	Examiner Linh M. Nguyen	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-5 is/are allowed.
- 6) Claim(s) 6-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/06/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

Claims 1-9 are presented in the instant application according to the Applicant's filing on 07/11/2002.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the vernier's package" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the vernier's package" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the temperature stabilizing circuitry" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Clarification is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A person shall be entitled to a patent unless –

Art Unit: 2816

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Masuda et al. (U.S. Patent No. 5,043,596).

With respect to claim 7, Masuda et al. discloses, in Fig. 19, an apparatus and its corresponding method for supplying a signal delayed by a predetermined period, the method comprising the steps of receiving an input main signal [1550]; providing a vernier for generating variable delays [1551, 1552, 1501, 51] for the main signal, generating an output signal after a predetermined delay period; sensing [160] for vernier's temperature to maintain it at a constant level.

***Allowable Subject Matter***

5. Claims 1-6 are allowed. Applicant is noted that claim 6 must be corrected to overcome 112 2<sup>nd</sup> paragraph rejection set forth in this office action.

6. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and in addition must be corrected to overcome 112 2<sup>nd</sup> paragraph rejection set forth in this office action.

7. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art of record does not show or fairly suggest:

- a) A device for supplying a signal delayed by a predetermined period, the device including a feedback loop for maintaining the temperature of the vernier at a constant level, in combination with the remaining claimed limitations, as called for in claim 1;
- b) A method, in which the temperature is maintained by using a heater/cooler having a low temperature resistance contact with the vernier's package, as called for in claim 8; and

c) A method, in which the temperature is maintained as close to the ambient temperature as possible so as to reduce extra heating of the temperature stabilizing circuitry, as called for in claim 9.

***Citation of Relevant Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Gagnepain et al. (U.S. Patent No. 4,398,115) discloses a temperature probe using a plate of quartz.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh M. Nguyen whose telephone number is (571) 272-1749. The examiner can normally be reached on Alternate Mon, Tuesday - Friday from 7:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH MY NGUYEN  
PRIMARY EXAMINER